

In the Matter of MERCHANT MARINER'S DOCUMENT Z-31679-D3

Issued to: KEOWN DUKE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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KEOWN DUKE

This case comes before me by virtue of Title 46 United States Code 239 (g) and 46 Code of Federal Regulations 137.11-1.

On March 18, 1949, an Examiner of the United States Coast Guard entered an order revoking Merchant Mariner's Document Z31679-D3 and all other merchant mariner's documents issued to Keown Duke upon a plea of guilty to a charge of misconduct, supported by seven specifications alleging unfitness for duty by reason of intoxication on seventeen occasions while employed as able seaman aboard the SS WILLIAM FLOYD from September through November, 1947, while the vessel was in divers foreign ports. Appellant, acting as his own counsel, pleaded guilty to the charge of misconduct and to the seven specifications alleging his unfitness for duty by reason of intoxication. Appellant did not take the witness stand nor did he have any other witnesses appear on his behalf.

The Investigating Officer described the result of his investigation of the complaint. After receiving this evidence, the Examiner found the charge and specification proved by the Appellant's plea. However, he deferred further action in order to afford the Appellant an opportunity to adduce either witnesses as to his previous good conduct or letters of recommendation attesting to the same. When he was advised that, after the passage of three days, the Appellant was unable to secure either character witnesses or letters of recommendation, the Examiner entered the order of revocation.

From that order, this appeal has been taken and it is contended:

- (a) That the intoxication and absence from duty were due to the arduous character of the voyages then being made by the vessel upon which he was employed;
- (b) That the Appellant is now 54 years of age and knows no other vocation; and
- (c) That the order of revocation, if sustained, will work undue hardship on the Appellant.

OPINION

The record in this case shows that the Appellant does not deny any of the offenses alleged against him. On the other hand, he freely admits the same and offers in extenuation the excuse that the shuttle voyages between Okinawa and Shanghai created such extreme hardship that it was necessary for him to drink heavily of vodka. I am fully cognizant of the fact that the persons employed in the merchant service, because of the arduous nature of their duties and necessarily restricted social opportunities, often find solace in the consumption of intoxicating liquor ashore to a larger degree than do their contemporaries in other vocations. In this time-honored custom I find no fault provided that the consumption of intoxicating liquor ashore does not render the consumer unfit for duty upon the vessel which he is employed or make him a hazard or a burden to his shipmates by virtue of his intoxication. The Appellant in this case shows a wanton disregard for the responsibilities and obligations placed upon him as a result of his contract of employment. On seventeen different occasions he was either drunk or rendered unfit for duty because of his previous intoxication. This is not his first offense. He was admonished for intoxication in 1944 and had his seaman's certificate suspended, also, in 1944 for being absent without leave. The Appellant's inability to secure at least one character witness or a letter of recommendation for any period of his twenty-nine years service is significant. In view of the foregoing, I do not feel that the punishment inflicted upon the Appellant is excessive and find nothing to warrant my intervening in this case.

CONCLUSION AND ORDER

It is ordered and directed that the decision of the Coast Guard Examiner dated March 18, 1949, should be, and it is AFFIRMED.

MERLIN O'NEILL
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 22nd day of April, 1949.